

AUG 13 2004

Cooley Godward LLP

ATTORNEYS AT LAW

OFFICIAL

FAX

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DATE: August 13, 2004

PLEASE DELIVER TO:	PHONE NO.:	FAX NO.:
Commissioner for Patents U.S.P.T.O Art Unit: 1614		(703) 872-9306

FROM: Tom M. Moran PHONE: (650) 843-5104 REPLY FAX: (650) 857-0663
RE: U.S. Patent Application Serial No. 09/082,801 (Attorney Docket No.: TLIK-048/01US)

NUMBER OF PAGES, INCLUDING COVER PAGE: 23	Client Number: 203177-2474
	Requestor #: 2152

MESSAGE:

Attached please find the following:

Transmittal;
Request to Withdraw Notice of Abandonment;
Non-final Office Action dated September 11, 2003;
Response to the Office Action mailed on March 11, 2004.

If you do not receive all of the pages, please call
Sender's Name at Sender's Phone Number as soon as possible.

Attorney Docket No.: TLIK-048/01US

PATENT

I hereby certify that this correspondence is being transmitted by facsimile addressed to Examiner Kwon, Art Unit 1614, Facsimile Number 703-872-9306, at United States Patent and Trademark Office, Alexandria, VA 22313-1450 on August 13, 2004.

By: 

Dolores McKay

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hugo O. Villar et al. Confirmation No.: 2049
App. No.: 10/082,801 Art Unit: 1614
Filed: 22 February 2002 Examiner: Brian Young S. Kwon

For: ACRIDINES AS STIMULATORS FOR Fas-MEDIATED APOPTOSIS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

WITHDRAW NOTICE OF ABANDONMENT TRANSMITTAL

Enclosed are the following documents in response to the Notice of Abandonment mailed June 29, 2004:

- ☒ Request to Withdraw Notice of Abandonment;
- ☒ Tab 1, non-final Office Action dated September 11, 2003;
- ☒ Tab 2, response to the Office Action mailed on March 11, 2004.

The Commissioner is hereby authorized to charge any appropriate fees that may be required by this paper to Deposit Account No. 03-3117.

Dated: August 13, 2004

Respectfully submitted,

Cooley Godward LLP
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COOLEY GODWARD LLP

By: 

Tom M. Moran
Reg. No. 23416

Attorney Docket No.: TLIK-048/01US

PATENT

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Confirmation No.: 2049

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Examiner: Brian Young S. Kwon

For: **ACRIDINES AS STIMULATORS FOR Fas-MEDIATED APOPTOSIS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST TO WITHDRAW NOTICE OF ABANDONMENT

In response to the Notice of Abandonment mailed June 29, 2004, this communication is being sent to request the Office to withdraw the Notice of Abandonment as a mistake. The facts in this case are as follows:

- (1) On September 11, 2003, a non-final office action was mailed to Heller Ehrman White & McAuliffe LLP ("Heller" – see document attached – Tab 1).
- (2) On March 11, 2004, Sam Nguyen of Heller successfully faxed a response to the above office action (attached – Tab 2).
- (3) The USPTO was authorized to charge deposit account 08-1641 in the amount of \$950 for an extension of time and other charges, as required. (See Transmittal – Tab 2.)

Page 1 of 2

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#NXT011.DOC

- (4) The fax transmission was successful as evidenced by the "TX REPORT" on the last page of Tab 2. The start time indicates that the document was sent on 11th of March at 14:14 (2:14 pm). One minute forty-six seconds was used and the number of pages sent was six. Note that the result indicated is "OK". The phone number is consistent with the number used to make the fax transmission.
- (5) The form of the claim amendments is consistent with 37 C.F.R. 1.121, as amended July 30, 2003, with the new material that is added to the claim indicated by underlining and the old material which is deleted being struck through.

Thus, it appears that the evidence is clear the transmittal and the Response to Office Action were sent in a timely manner. The format of the amendments was correct and the Notice of Abandonment should be withdrawn, the Examiner's conclusion in the Notice of Abandonment was wrong, and the Examiner should review the application on its merits.

If the Examiner believes it would be useful to have a telephone conversation with the undersigned attorney, he is requested to call at (650) 843-5104.

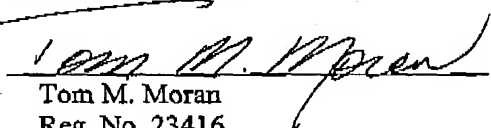
Dated: August 13, 2004

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Respectfully submitted,

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